

HLD-120 (May 2008)**May 30, 2008****UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**No. 08-2068

CPA NINA SHAHIN

v.

STATE OF DELAWARE DEPARTMENT OF FINANCE
(D. Del. Civ. No. 06-cv-00289)

Present: SCIRICA, Chief Judge, ALDISERT and GARTH, Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect; and
- (2) Appellant's response

in the above-captioned case.

Respectfully,
Clerk

MMW/CJG/par

O R D E R

Nina Shahin, proceeding pro se, filed the underlying civil action alleging employment discrimination against the Department of Finance for the state of Delaware. The Department of Finance sought to have the complaint dismissed pursuant to Fed. R. Civ. P. 12(b)(1) and/or 12(b)(6). In a Memorandum Opinion and Order entered on March 27, 2008, the District Court granted in part and denied in part defendant's motion to dismiss. The court denied defendant's motion to the extent it sought to dismiss Ms. Shahin's request for prospective injunctive relief as to the December 13, 2004 age discrimination claim, and granted it in all other respects. The District Court also denied Ms. Shahin's second motion to amend the original claim and for a court order of waiver of costs, and directed that her amended complaint be stricken. The case remains ongoing as to appellant's claim for prospective injunctive relief.

To be appealable under 28 U.S.C. § 1291, an order must end the litigation as to all claims and all parties. Andrews v. United States, 373 U.S. 334 (1963). Because the order appealed does not dismiss all claims as to all parties and is not certified by the District Court under Fed. R. Civ. P. 54(b), the order is not appealable at this time. The appeal is thus dismissed for lack of appellate jurisdiction.

By the Court,

/s/ Anthony J. Scirica
Chief Judge



Marcia M. Waldron, Clerk

Dated: June 26, 2008

par/cc: Ms. N.S., J.O.H., Esq.